

REGULAR MEETING OF THE TOWN BOARD OF THE TOWN OF
NEW HARTFORD, HELD AT THE MUNICIPAL BUILDING,
8635 CLINTON STREET, NEW HARTFORD, NEW YORK, ON
WEDNESDAY, March 18, 2020, AT 6:00 P.M.

Town Supervisor Miscione called the meeting to order at 6:00 P.M. and led those in attendance in the Pledge of Allegiance to the American Flag. The roll was then taken with the following Town Officials and Department Heads being present during the progress of the meeting.

TOWN BOARD MEMBERS PRESENT:

Councilman James J. Messa
Councilman Richard M. Lenart
Councilman David M. Reynolds
Councilman Richard B. Woodland, Jr.
Supervisor Paul A. Miscione

OTHER TOWN OFFICIALS/EMPLOYEES PRESENT:

Deputy Town Supervisor Anthony Trevisani
Highway Superintendent Richard Sherman
Director of Personnel Barbara Schwenzfeier
Police Chief Michael S. Inserra
Town Attorney Herbert Cully

Thereafter a quorum was declared present for the transaction of business.

Town Attorney Cully stated the Town Board was abiding by the State Law Mandates presented by Governor Cuomo of no more than 10 people in attendance at all meetings and the Towns doors have been closed to the public due to all the mandates however the Town will proceed with regular business:

Supervisor Miscione opened the meeting stating the Board will hire a Board-Certified Medical Director:

APPOINTMENT – MEDICAL DIRECTOR - Covid 19 Epidemic:

Town Supervisor Miscione presented Governor Cuomo's Executive Order stating no more than 10 people are allowed into a room and/or meeting at any time. The medical director he's requesting would assist the Town with all County mandated orders and any meetings with the NYS Department of Health along with assisting the Town with any test sites. He is proposing the appointment of Doctor Quendah at no cost to the Town and would assist residents with any questions and or concerns. She would be available to assist Town employees with along with putting procedures together for the Town. She will also assist with updating the Towns Facebook page for residents' questions and concerns. A phone system would be set up at her office location to receive calls and/or questions.

Councilman Reynolds moved the adoption of the following Resolution, that was duly seconded by Councilman Lenart:

(RESOLUTION NO. 94 OF 2020)

RESOLVED, the Board does hereby appoint Julia Quandah as Town Medical Director at no cost to the Town effective immediately.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Supervisor Miscione – To the Board – since we are only doing this by film, may we proceed with a couple bills and a few issues that are not major? We will be putting this video online tomorrow.

Councilman Reynolds – Like to differ to Council – This is an acceptable, taped, not live streamed. It is not an open meeting. It is taped. Your opinion?

Town Attorney Herbert Cully – It’s perfectly proper. It’s the regularly scheduled Board Meeting. It has been closed to the public as a result of the Federal and State mandates of no assemblies larger than 10 people. We are doing everything we can to make it available to the public by taping it.

Supervisor Miscione – USG & E gas and electric – got the bills changed over to them – saved a total of \$17,515.85. Have the checks from them.

Councilman Woodland moved the adoption of the following Resolution, that was duly seconded by Councilman Lenart:

(RESOLUTION NO. 95 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve to accept the checks from USG & E and deposit in the appropriate accounts.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Supervisor Miscione – Received three estimates for the metal for the outside sheeting over at the Rec Center.

1. Mohawk Metal Manufacturing - \$3,617.60 (26 gauge) – in budget for the project.
2. Home Depot - \$5,688.35 (29 gauge)
3. Home Depot - \$4,266.79 (26 gauge)

This is for the exterior at the Rec Center. We took the garage doors out and framed them up and insulated them. Now we’re putting new blue metal on the outside. The money is in the budget from last year and we are doing the work in house. This is just for the material.

Councilman Woodland moved the adoption of the following Resolution, that was duly seconded by Councilman Lenart:

(RESOLUTION NO. 96 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve to accept the estimate and work to be done by Mohawk Metal Manufacturing to redo the outside of the Rec Center.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Supervisor Miscione – Mitigation Fees – SAES Smart Materials – Paul has to put the figures together and will have for the next meeting.

Supervisor Miscione – Due to COVID – 19, we stopped employees and people volunteering to come for internships. When this stops, there’s an internship for BOCES for Construction, Trades 2. They would like give us someone to have come along with us while we are doing work at the Rec Center and learn the trade. They would be fully insured.

Councilman Reynolds moved the adoption of the following Resolution, that was duly seconded by Councilman Messa:

(RESOLUTION NO. 97 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve to allow internships for BOCES students while work is being done at the Rec Center.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Supervisor Miscione – Northland Communication Contract – bill for yearly service, will discuss at the next meeting once we have the figures.

Supervisor Miscione – Last meeting we had Javelin Consultant, which is Joe Booth – one of the people that was added to our planning and development for our Planning Board. We currently have Gimo and Dunn and Sgromo. Gimo also does planning. Joe Booth has done our planning for probably 30 years. He has opened up a consulting firm and currently works for the Town of Marcy. We wanted to bring him back for developers to help them with their developments. I realized because he worked here, our

ethics policy shows after you work here, you can't work here for two more years. In saying that, I don't know if you want to rescind that last motion, we did for that and try to figure another plan.

Town Attorney Herbert Cully – I think you have to rescind it.

Councilman Reynolds moved the adoption of the following Resolution, that was duly seconded by Councilman Woodland:

(RESOLUTION NO. 98 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve to rescind the motion to bring Joe Booth back as the consultant.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Councilman Reynolds – Added: I really think there is no one more qualified to do Town Codes or Town issues. We do need to review how we are going to approach this.

Supervisor Miscione – I agree. I think we need to have a Planning Board Chairman come up with an RFP with what they are looking for. Let them review it. Designate three of them, and the customer picks them. We don't accept money from them, they pay them direct and give us a certificate saying it was done complete and done right. Qualified companies and individuals. We need to do something now; we can't hold up planning.

Supervisor Miscione – We have a policy of a \$1,000 policy for Rick. We have to get three quotes and Rick is having problems getting them. Maybe we can push up his budget a little bit?; Highway Superintendent Richard Sherman – We built a cage out back with chain linked fencing and we used Weather Tight last year. He was one of the three quotes. I went to get three quotes this time and I am unable to. Fencing down at Williams Fence on Rt. 20, Butler Fence in Syracuse and Aero Fence in Syracuse – they are all sick and tired of me asking for quotes and they don't get the job. It's very hard to get two or three quotes. The fence was \$2,400. I'm in a predicament with that \$1,000. Even with trucks, its very tough for the same reason.; Councilman Reynolds – You have to get three bids for anything over \$1,000?; Town Attorney Herbert Cully – Yes, that is in our procurement policy.; Highway Superintendent Richard Sherman – In today's world, it's very hard for those reasons. If they don't get the work, they refuse to bid.; Councilman Messa – We should vote to raise the threshold. For equipment and so forth – is probably going to be in that \$1,200 range – what the magic number is, I don't know - \$3,500/\$5,000?; Supervisor Miscione – We are not going to go to the most expensive but we do need the material.; ?; Highway Superintendent Richard Sherman – I have the same problem right now, there was a car accident on Elm Street – took down the guard rail. Guy came in with a quote to fix it for \$3,200 (worked for us last year). The other two people I got quotes from last year said 'hey, I didn't get your work last year, so why am I going to bid again this year.' Some things are just very hard.; Councilman Messa – How does it work? How do you know what the prices are for everything? Instead of

getting quotes, you just call them up and say, what do you charge me for this without getting an actual quote?; Highway Superintendent Richard Sherman – Yes, materials only but with the guard rails. I got to have labor because I don't have a post pounder.; Councilman Messa – If we raise it, how do you figure out the best pricing?; Highway Superintendent Richard Sherman – I would call around and get the best price. Our guys are doing the work, it is just for the material.

Councilman Messa moved the adoption of the following Resolution, that was duly seconded by Councilman Lenart:

(RESOLUTION NO. 99 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve raise the budget to \$5,000 for material for the Highway Department.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Town Attorney Herbert Cully – I will review whether or not it can be done with a simple resolution.

Town Attorney Herbert Cully – How are the employees? Are they nervous over this thing (COVID-19)?; Supervisor Miscione – Actually no, everyone is taking it pretty well in the building. We really don't have any issues.; Councilman Lenart – Is everyone working?; Supervisor Miscione – So the Governor sent the letter out to send 50% of the staff home so we sent home the judges and the court clerks of the judges.; Councilman Lenart – They are getting paid right?; Supervisor Miscione – Yes, full time employees so far.; Town Attorney Herbert Cully – Courts are all closed.; Supervisor Miscione – I mean I am not going to send home Rick's staff.; Highway Superintendent Richard Sherman – I'll tell you what I have done. Everyone was supposed to start day shift on Monday, 6:30am – 2:30pm. The night shift is only going to work 3pm – 11pm so there is a break. I am leaving them on nights until further notice. That splits my crews in half. Instead of 25 guys there, there will be ten guys on each shift. So, I am following what they want. We still have plenty of work to do and they are not mingling. There's a break from 2:30pm – 3pm, so they will not even be seeing each other. That is what is being done at the Highway Department.; Supervisor Miscione – then residents that have an appointment, we made the room in there that is glass, we put plastic on the windows and stuff, that is where the public comes to do meetings with the employees if they have to.

Supervisor Miscione – Want to discuss Dan Dreimiller, he put his resignation in. We currently don't have a Director of Finance. I would like your approval to have Barb put in Accounting magazines, different newspapers, to try to get an Accountant who has Municipal experience for the Town.

Councilman Reynolds moved the adoption of the following Resolution, that was duly seconded by Councilman Lenart:

(RESOLUTION NO. 100 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve to have Director of Personnel Barbara Schwenzfeier put in ad (for employment) for an Accountant for the Town.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Supervisor Miscione – For the codes department, we don't have a secretary. What would you guys, and Larry is limited right now. How do you want to take building permits? Do we still take them – is that ok with you guys if we take building permits? So people can still work.; Councilman Reynolds – why would we not take them, because we don't have the staff to accept them?; Supervisor Miscione – We have to make appointments and then they have people come in and fill out the application.; Councilman Reynolds – I think we need to take them.; Supervisor Miscione – I don't need a motion, I just want to make sure you are ok with that part.

Councilman Messa – Is the Substation cleaned out? It's a nice project for the guys to work on at night.; Highway Superintendent Richard Sherman – Depends on how much stuff you want cleaned up. It suffered some flooding inside too. There's some dried stuff that needs to be cleaned up. Need a better inspection of it. The night shift finished up the garage. The garage is totally done, complete, the way you wanted it. We are currently working in the back room here (Town Building). We bought the cage material and its all up other than one 7ft. piece, which is coming in tomorrow and will be done tomorrow night. I rented a truck and we're going to start moving Records Management on Friday. I met with Mel and Gail today. It's going to take more than one day. There's a lot there. There's a lot of stuff that needs to be put away so we don't have to move it twice. A lot that needs to be shredded. We want to get that done.

Police Chief Michael S. Inserra – Have an employee who is retiring, I believe the date is April 11, 2020 and wants to come back as part time, Susan Donnenwirth. We can appoint her at the next meeting if want to wait. She has 20 years worth of knowledge about the department. The two remaining secretaries I have, one part time, one full time, are still new. She's offered to stay on part time to continue to train the new employees. Which would really benefit the police department.; Supervisor Miscione – Only question is, isn't this the same as the Joe Booth thing? You can't come back part time though, we looked at it. Is she under a new contract?; Councilman Lenart – Is she retiring with retirement benefits?; Police Chief Michael S. Inserra – She is retiring and she will file for retirement benefits once she turns 62. She is not quite 62 yet.; Town Attorney Herbert Cully – So she's not drawing her retirement? Herb will look into it.; Supervisor Miscione – Isn't it, you have to be 65 and older, then you can come back but if you are under 65, you can't come back part time for a year or two?; Director of Personnel Barbara Schwenzfeier – The 65 you are talking about is when a person does come back. When you are 65, then you can only earn up to, right now the threshold is \$30,000, once they hit 65, there is no threshold. That's the difference with age wise. You can still come back as part time.; Police Chief Michael S. Inserra – Civil Service approves these positions. Whenever we hire someone, we have

to file the application with Oneida County and they have to approve that part time hire and have never had any issues.; Supervisor Miscione – When we had the thing with Joe, that was one of the things was, in our ethics thing is you can't come back for two years after you have worked for the Town. Am I wrong Dave?; Councilman Reynolds – He is going to a separate business. He could come back part time as an employee.; Town Attorney Herbert Cully – He is barred from contractual for two years. He can't leave and then we hire him on contractually. He bids against everybody and he's the low bidder for two years but as an employee he can.; Supervisor Miscione – So you can bring an employee back?; Town Attorney Herbert Cully – Yes.; Councilman Lenart – On her application, didn't she put down 40 hours? It wasn't listed as part time.; Chief Michael S. Inserra – It might have been when she filled out her experience, she was a full time employee working 40 hours a week. The position is only part time, 17.5 hours a week per Oneida County Civil Service.

Supervisor Miscione – Barb – can we put the footage from the meeting online right now?; Director of Personnel Barbara Schwenzfeier – Are you going to approve the bills?; Supervisor Miscione – Did anyone look at the bills? (Nobody looked at them). No clue about the bills.; Highway Superintendent Richard Sherman – There's a lot of bills in here from small vendors because we didn't pay them last time.; Everyone – we don't have the bills.; ; Highway Superintendent Richard Sherman - Who can answer the phone calls when they come in?; Everyone – we don't have the bills.; Town Attorney Herbert Cully – Well who has them?; Director of Personnel Barbara Schwenzfeier- Not sure. Lisa had them and if they went to the Town Clerk's Office, if Gail has them, I don't think they are in Gail's office.; Councilman Messa – can someone take a quick look while we are here, so we can go through it.; Supervisor Miscione – want to adjourn the meeting to look for the bills?

Councilman Messa moved the adoption of the following Resolution, that was duly seconded by Councilman Lenart:

(RESOLUTION NO. 101 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve to adjourn the meeting so can go look for the bills.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Supervisor Miscione – Back in Session (7:03pm).

Councilman Reynolds moved the adoption of the following Resolution, that was duly seconded by Councilman Woodland:

(RESOLUTION NO. 102 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve to pay the bills.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Town Attorney Herbert Cully – Chief met without Council John Airellio as it relates to a disciplinary proceeding that is going to be arbitrated concerning a police officer. As you know, we’ve talked about the fact that Mr. Aurelio ‘s extensive experience having handled similar proceedings involving a Utica Police Officer that went all the way to New York State Appeal Division. So, he has that special expertise. He brought another attorney, by the name of Armond Festine, who works as well, with the city who has experience specifically in this area as well. It is my understand, Chief, you think it would be a good idea to have both of them handle this due to the importance of it?; Chief Michael S. Inserra – yeah, at the request of John, this case is so extensive that the co-council is highly recommended.

Councilman Reynolds moved the adoption of the following Resolution, that was duly seconded by Councilman Messa:

(RESOLUTION NO. 103 OF 2020)

RESOLVED, the New Hartford Town Board does hereby approve to Mr. Festine to work with Attorney Mr. Aurelio at the same hourly rate.

Roll Call:	Councilman Messa	-	Aye
	Councilman Lenart	-	Aye
	Councilman Reynolds	=	Aye
	Councilman Woodland	=	Aye
	Supervisor Miscione	=	Aye

Unanimously carried and duly adopted.

Supervisor Miscione – A couple people have already called Codes for different parcels. A few years ago, sub divisions were done, like multiple parcels, one or two parcels. They were approved by the Planning Board. They had the diagram of the site locations; the site map was supposed to be filed. A lot of people never filed them. In our codes, it says after so much time goes by, that they expired and I don’t know what you guys want to do because these are things people have gone through and there are three different situations right now that I know of that have come up in the past month. I don’t know if they haven’t been caught before and now, we’re catching them because we are looking through it. People don’t want to start from scratch again when they were already approved because now they are going for building permits.; Councilman Messa – How long did the time lapse?; Supervisor Miscione – Some are two years, one was three years and one was four years. ; Town Attorney Herbert Cully – The Planning Board has approved the site plan and Alice and Heather signs the plans saying its all approved, its stamped and then its filed. If anyone is at a disadvantage it’s the developer that didn’t file it because once that’s filed, then it gains recognition that they can sell the lots and everything. We’re not in

jeopardy by virtual of the fact that their filing it now instead of last year or two years ago. It's still the approval plan. It's still approved, same subdivision and we've signed off by the chairman of the Planning Board having signed as approved.; Councilman Messa – But there are no time constraints on that at all? This is odd.; Supervisor Miscione – No, there is. So, I read the code back to the people so there is a time constraint in our code. So that's why I want to bring it up to you guys again – Do we make them go through the same process to get the same result? I don't see the result changing because nothing has changed. Or is it something you guys want to look at on a per case basis. Again, people even sold land and sold it with the plans that were approved by the Town that no one would know that – everyone is not going to look up ever code when they buy a piece of property – so now people have purchased land with the subdivision map and everything.; Town Attorney Herbert Cully – We've approved it, it got a stamp on it, its approved. The guy just didn't take it and pay \$15 to file it at the County Clerk's Office.; Supervisor Miscione – So there's two different ones: 1. One on Tibbits; 2. Southwoods – one parcel – 23 acres and was put in two parcels (13 and 12) – was approved by the Planning Board with a road and everything; 3. Another property up by where Ralph is (w2ill get the exact one). I am bringing it to you because it is something we want to change. Larry brought it to me. I found the Code in the book. I don't want to tell the people the wrong information; Councilman Reynolds – approved subdivision, its three years old or is it a year?; Supervisor Miscione – yes (one year); Councilman Reynolds – So for them to come back, to have it reapproved, is there a cost for them?; Supervisor Miscione – They would have to pay the whole – they have to go to the Planning Board, pay the fees, everything, start....the problem is – someone has subdivided, sold the land with our subdivision, now they actually want to come back and want to build a house and now here we are, that you can't do it according to our code because a year has gone by and it hasn't been filed for subdivision.; Councilman Reynolds – so again, if they can document this was exactly what was approved three years ago, I say we waive the fee and approve it. Have whoever issue the first approval, document there has been no change. We're not going to make you go through all these hoops again. Nothing has changed.; Supervisor Miscione – 100% - the land is the land, nothing has changed.; Councilman Reynolds – I think the reason it is only a year is because something may have changed in subdivision. In some situations, they didn't do it because of X, Y, and Z.; Councilman Lenart – if it gets to the Planning Department, then are they going to make them review the whole thing again – make them go through a whole bunch of hoops? Forget the payment.; Supervisor Miscione – If its improved subdivision, they can come pull a building permit and build but they can't get a building permit because the code says the subdivision they have has been over a year and now they have to back track – but if we approve the subdivision to give them the extension, then they just pull their building permit and build. They don't have to do anything. Councilman Lenart – You're saying at the Board level?; Supervisor Miscione – At the Board level because it is in our code. It's in our code, if you have it one year and you don't file, the site plan map, then it automatically starts from scratch. That's what our code reads.; Councilman Reynolds – For good reason.; Councilman Messa – I think we should stick by the Code.; Councilman Reynolds – If it goes three years and they come back, it should be a very simple approval, go ahead, just to review it.; Councilman Messa – What if things have changed?; Councilman Lenart – might have different owners, may have different views.; Supervisor Miscione – once the public opens again, they will probably come to discuss it because there are three different situations right now with that. ; Councilman Lenart – I say waive the fee but make them go through the process.; Councilman Reynolds – If this is no subject of change, they don't have to pay the fee.; Supervisor Miscione - Then that would cost us money because we would have to send out all the letters to the neighbors, all that stuff again. So if there is a fee for us then.....; Councilman Reynolds – why would we do that if there is no change?; Supervisor Miscione – Oh so what you are saying is, if they get a letter notarized by them, there is no change – ok.; Town Attorney Herbert Cully – No, they are going to come in with the approved plan, with a stamp on it with Alice's or Heather's signature. All that that

does is, allows them to get a building permit to go forward and start doing all the site work so they have to build according to that plan. That's why they Town isn't in jeopardy. If it's an approved plan, they can't deviate from that plan. Its just a ministerial thing that nobody took it down and filed it. Everything is the same. They have to build it exactly the same.; Councilman Reynolds – But our codes says you have a year to commence that work.; Town Attorney Herbert Cully – Right; Councilman Reynolds – Why do they have a year to commence the work?; Supervisor Miscione – Because it's in our codes.; Town Attorney Herbert Cully – That's why they did it. For example, all of our variances – one year.; Councilman Reynolds – For what reason, because something may have been changed; Town Attorney Herbert Cully – Just to make sure things move along. So they don't come in 30 years from now and say 'OK, now I'm ready'; Councilman Messa – My point, I want to stick with the codes.; Supervisor Miscione – Just so I am clear, I'm going to get back to these three people – if there is no change whatsoever, if everything is the same exact, same housings in the neighborhood, everything is the same, and they want to build, they sign a notarized letter stating there is no change, we can issue them a building permit?; Councilman Reynolds/Supervisor Miscione – If no changes – so they don't have to come back to the Planning Board and they don't have to reapply to start over. If there's no changes.; Councilman Messa – Going forward, what is the window – is it three years and then say come back; Councilman Reynolds – Who dropped the ball? Did we drop the ball or did they?; Town Attorney Herbert Cully – No they did. Once you come in – the last meeting, Heather signs the thing, you leave with your map. It's your obligation to file it. Not ours. They probably didn't realize 'I have a 1-2 or 2-3 subdivision, I didn't know I had to file it, it's been approved.; Councilman Lenart – We are only talking about these three, not going forever and ever.; Supervisor Miscione – We're just talking about the filing. They didn't do the filing.; Councilman Messa – Going forward, hopefully no one else comes back to say well you did these three, why can't you do ours.; Supervisor Miscione – I will have them come to the next meeting, at least one of them because they are selling the land. They don't want to buy land they can't use. Again, they called Codes, Larry asked me, I researched it and this is what I determined so I'll have to have them come and we'll need a Resolution. If they buy it and can't do it and they say right now, they go back to the Planning Board – you not only have different people with different mindsets they will say 'well now we don't want building in New Hartford', just for saying, now they don't get it, they bought a piece of worthless land. I am going to suggest they come here and approve case by case before they make any moves. We can't issue building permit in Codes, because they are in violation of our code, of not filing that map.; Councilman Lenart – So we are just approving that window for that case by case basis?; Supervisor Miscione – Yes. They are going to need that moving forward. I would also ask, if we can, in the Planning Board, when we do this, just because everyone is not an attorney and everyone is not knowing of all our Codes, we should give a letter and have them sign it that they are responsible for filing it or loose it in a year because I don't think it's right on the other end, you get a regular person coming in, they get it approved, get it stamped, 'Oh I am so excited, I am going home with this' – then guess what, the codes there. Also, to reference that, our own Codes department and us didn't know it so how do we expect our residence to and people know it. I think, definitely, that they should sign off, that they have to file that or else loose it in a year. I think it's only fair to do so. So how do we implement that?; Town Attorney Herbert Cully – I think we should have a letter that they sign. When they pick up the signed plans 'I acknowledge receipt of the plans' with the understanding that they have to be filed. If they are not filed in a year, then the approval is lost. – can write a letter for Dory and reference the code.; Supervisor Miscione – That would take care of our issue for good.

Highway Superintendent Richard Sherman – The Yagers that live on Middle Settlement Road called me and the construction on Middle Settlement Road is about to begin with the new road, new sidewalk, curbing, etc. There are three parcels on Middle Settlement Road that do not have sewers, they are on

tanks. There's Mrs. Jones residents next to the trailer park. The trailer park is the last one that is on the sewers, that's the end. So you have Jones's house, you have a Yager and another Yager. Then up and around the corner, Mr. Smith's house use to be there which has been torn down and currently for sale. There are no sewers on that side/section. They came to me wanting to know if they could get sewers. I said if you want sewers, you have to do it ASAP. Construction plans are already to go. The question was asked, would the Town extend the sewer – probably 400-500 feet with a man hole. Where these people could hook in and it would be there if that parcel was every sold, next to where the Smith property use to be. I said that is a question for the Board, to her show up to the Board meeting and obviously no one is here, can't get to the meeting. How does the Board feel about that? Other places I have had homeowners or property owners who have bought the property, extend the sewer.; Councilman Lenart – What is the cost?; Highway Superintendent Richard Sherman – they pay the cost, the pay for everything. Yager wants the Town to pay for the install. The cost to the Town would be a question to go to Murphy or an excavator.; Councilman Reynolds – They want septic tank?; Highway Superintendent Richard Sherman – yes; Councilman Reynolds – but when the sewer district was formed how...; Highway Superintendent Richard Sherman – it stopped; Councilman Reynolds – Why...I know you don't know the answer but...; Highway Superintendent Richard Sherman – I don't think it was elevation. Maybe at the time. I know Mr. Love used to live at one of the Yager houses.; Councilman Reynolds – everybody had to get off the sewer or get off the tank – you didn't have a choice – you had to hook up to the sewer.; Highway Superintendent Richard Sherman – But there was no sewer ever put in front of their house for them to hook to.; Supervisor Miscione – Want to wait until the next meeting.; Highway Superintendent Richard Sherman – Yes because at some point she's going to want to come to a meeting when its open to the public again or I need an answer to give her, which way we are going to go. Time is moving along because construction is going to start.; Supervisor Miscione – to be honest, if we to the pipe, add it to the sewer district, do we have to get a petition to do that or is it a separate district; Town Attorney Herbert Cully – I think you would have to amend the district; Supervisor Miscione – there is a big process to do that; Town Attorney Herbert Cully – Are you going to then access the cost over the district?; Supervisor Miscione – We can't pay for it out of anything; Town Attorney Herbert Cully – It's different if they volunteer to pay; Highway Superintendent Richard Sherman – that's what I told her to go, you might want to look into Murphy's, tell them what you got, they give you a price and it's on you but you better get moving right along if you want to do it.; Councilman Reynolds – Do you know of any other places where the sewer stopped? Is anyone else still on a tank, that you know if in the Town?; Highway Superintendent Richard Sherman – There's a few places.; Supervisor Miscione – What about all the way up Woods Road – no sewer up there, and we got some places on Mohawk Street, there's a lot of places. I think we have our answers.

ADJOURNMENT

There being no further business to come before the Town Board, upon motion of Councilman Reynolds and duly seconded by Councilman Messa, the meeting was adjourned at 7:25 P.M.

Respectfully submitted,

Cheryl A. Jassak-Huther
Interim Town Clerk
5/26/2021